

2023-11-09



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address:	2705 Moncton Road
Legal Description:	Lot 212 and Part of Lot 213, Registered Plan 369009
File No.:	D08-01-23/B-00273
Report Date:	November 8, 2023
Hearing Date:	November 14, 2023
Planner:	Solé Soyak
Official Plan Designation:	Inner Urban Transect, Neighbourhood Designation with an Evolving Neighbourhood Overlay
Zoning:	R2J [1564]

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no concerns with** the application.

DISCUSSION AND RATIONALE

The Official Plan designates this property as Neighbourhood with an evolving Neighbourhood Overlay in the Inner Urban Transect. The Inner Urban Transect is generally planned for mid- to high-density development but also contains policies allowing for the provision of low-rise built forms. Policies pertaining to this designation allow and support a variety of housing types with a focus on the missing-middle housing. The Evolving Neighbourhood Overlay contains policies speaking to the gradual evolution of neighbourhoods to support intensification and 15-minute neighbourhoods.

The property is zoned *Residential Second Density, Subzone J, Urban Exception [1564] (R2J [1564])*. The purpose of this zone is to allow for a number of residential uses and housing types, as well as regulate development in a manner that is compatible with existing land use patterns to maintain the residential character of a neighbourhood. The zone prescribes a minimum lot width of 6 metres and minimum lot area of 180 sq. metres for semi-detached dwellings and both lots meet the requirements.

The existing building on the site is a two-storey semi-detached dwelling. The applicant is not proposing any changes or construction on the site at the current time. The purpose of this application is to sever the site to create separate parcels that each contain a portion of the building.

Section 53 (12) of the *Planning Act*, R.S.O. 1990, c .P.13, as amended, permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted by a committee of adjustment. With respect to the criteria listed in Section 51 (24), staff have no concerns with the proposed consent.

ADDITIONAL COMMENTS

Forestry

There are no tree impacts anticipated with this severance, however it must be confirmed whether separate services already exist - if not, the TIR must be updated to address the installation of new services.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed consent application as there are no requested changes to private approaches.

CONDITIONS

If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following conditions on the application:

1. That the Owner(s) provide proof to the satisfaction of **the Development Review Manager of the West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that each existing parcel has its own independent storm, sanitary and water services connected to City infrastructure and that these services do not cross the proposed severance line. If they do cross or are not independent, the Owner(s) will be required to relocate the existing services or construct new services from the City sewers/watermain, at his/her own cost.
2. That the Owner(s) enter into a Joint Use, Maintenance and Common Elements, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners.

The Joint Use, Maintenance and Common Elements Agreement shall set forth the joint use and maintenance of all common elements including, but not limited to, the common party walls, common structural elements such as roof, footings, soffits,

foundations, common areas, common driveways and common landscaping.)

The Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of **the Development Review Manager of the West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate, and City Legal Services**. The Committee requires written confirmation that the Agreement is satisfactory of **the Development Review Manager of the West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate**, and is satisfactory to **City Legal Services**, as well as a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

3. If separate services do not exist for each unit, the Owners agree that the location of the proposed services shown on the Grading & Servicing Plan, will be determined based on the least impact to protected trees and tree cover. The Owner(s) further acknowledges and agrees that this review may result in relocation of these structures and agrees to revise their plans accordingly to the satisfaction of the Development Review Manager of the West Branch within the Planning, Real Estate and Economic Development Department, or his/her designate. If separate services exist and no modifications are proposed, this condition can be waived.

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